



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION  
2016-91A**

Kim Glazier, Executive Director  
Oklahoma Board of Nursing  
2915 N. Classen Blvd., Ste. 524  
Oklahoma City, Oklahoma 73106

February 17, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 3.102.16. The proposed action is to temporarily suspend the license until the licensee enters substance abuse monitoring. If the licensee defaults from substance abuse monitoring, the license would be revoked for two years and a fine of \$500 would be imposed. The licensee was observed at work showing behavior associated with intoxication and tested positive for several narcotic drugs. As part of a consent agreement in discipline arising from that occurrence, the licensee was ordered to submit to body fluid testing. The licensee submitted two body fluid samples that were diluted, indicating an attempt to prevent detection of drugs. The licensee voluntarily requested to enter substance abuse monitoring.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients,” when they are unable to provide nursing care because of a pattern of behavior caused by the “use of alcohol, drugs, chemicals or any other substance,” and when they do not comply with Board orders, 59 O.S.Supp.2015, § 567.8(B)(4), (5), (9). Nursing care that is compromised by alcohol or drug use poses serious risks to the life and safety of patients. The Board may reasonably believe that substance abuse monitoring with the threat of fines and license revocation is necessary to prevent the licensee from practicing in an intoxicated state that endangers patients.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State of Oklahoma’s policy of upholding minimum standards of care within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA